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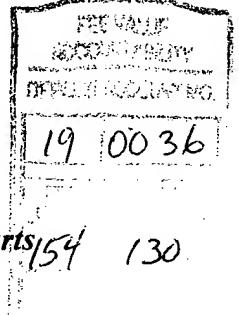
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**REGISTERED PATENT AGENTS

WRITER'S DIRECT NUMBER:

INTERNET ADDRESS:

May 27, 1998



Assistant Commissioner for Patents
Washington, D.C. 20231

Box Missing Parts 154 130

Re: U.S. Nonprovisional Utility Patent Application
Appl. No. 08/981,087; Filed December 12, 1997
For: Type F Botulinum Toxin and Use Thereof
Inventors: ELMORE *et al.*
Our Ref: 1581.0200000/RWE/CBM

Sir:

In reply to the "Notification of Missing Requirements under 35 U.S.C. § 371" dated March 27, 1998, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Fee Transmittal (Form PTO/SB/017) (*in duplicate*);
2. Petition for Extension of Time under 37 C.F.R. § 1.136 (*in duplicate*);
3. Copy of the Notification of Missing Requirements under 35 U.S.C. § 371;
4. Original Declaration, executed by the inventors;

Already
been
collected

Assistant Commissioner for Patents
May 27, 1998
Page 2

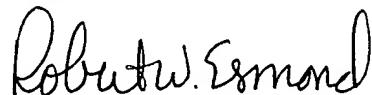
5. Original, executed Power of Attorney from Assignee with Delegation;
6. Original, executed Assignee 37 C.F.R. § 3.73(b) Statement with copy of Assignment attached;
7. Return postcard; and
8. Our Check No. 21957 for \$110.00 to cover the extension of time fees under 37 C.F.R. § 1.136.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond
Attorney for Applicants
Registration No. 32,893

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL

MAY 27 1998

Patent fees are subject to annual revision on October 1.
These are the fees effective October 1, 1997.Small entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.

Complete if Known

| | |
|------------------------|----------------------|
| Application Number | 08/981,087 |
| Filing Date | December 12, 1997 |
| First Named Inventor | Michael J. Elmore |
| Examiner Name | (to be assigned) |
| Group / Art Unit | (to be assigned) |
| Attorney Docket Number | 1581.0200000/RWE/CBM |

TOTAL AMOUNT OF PAYMENT

(\$110.00)

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number 19-0036
Deposit Account Name Sterne, Kessler, Goldstein & Fox P.L.L.C.

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

2. Payment Enclosed: Check No. 21957

 Money Order Other*

*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 101 | 790 | 201 | 395 | Utility filing fee | |
| 106 | 330 | 206 | 165 | Design filing fee | |
| 107 | 540 | 207 | 270 | Plant filing fee | |
| 108 | 790 | 208 | 395 | Reissue filing fee | |
| 114 | 150 | 214 | 75 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|---|-----------------|----------------|-----------------|---|----------|
| Total Claims | - 20** | = | X | = | |
| Indep. Claims | - 3** | = | X | = | |
| Multiple Dependent Claims | | | | = | |
| ** or number previously paid, if greater; For Reissues, see below | | | | | |
| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | |
| 103 | 22 | 203 | 11 | Claims in excess of 20 | |
| 102 | 82 | 202 | 41 | Independent claims in excess of 3 | |
| 104 | 270 | 204 | 135 | Multiple dependant claim | |
| 108 | 82 | 209 | 41 | **Reissue independent claims over original patent | |
| 110 | 22 | 210 | 11 | **Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) (\$)

3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------------------|-----------------|----------------|-----------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | 110.00 |
| 116 | 400 | 216 | 200 | Extension for reply within second month | |
| 117 | 950 | 217 | 475 | Extension for reply within third month | |
| 118 | 1,510 | 218 | 755 | Extension for reply within fourth month | |
| 128 | 2,060 | 228 | 1,030 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,320 | 241 | 660 | Petition to revive - unintentional | |
| 142 | 1,320 | 242 | 660 | Utility issue fee (or reissue) | |
| 143 | 450 | 243 | 225 | Design issue fee | |
| 144 | 670 | 244 | 335 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 240 | 126 | 240 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 790 | 246 | 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 149 | 790 | 249 | 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| Other fee (specify): | | | | | |
| Other fee (specify): | | | | | |
| *Reduced by Basic Filing Fee Paid | | | | | |
| SUBTOTAL (3) (\$) | | | | | |

SUBTOTAL (3) (\$)

| SUBMITTED BY | | | Complete (if applicable) | |
|-----------------------|------------------|------|--------------------------|-----------------------|
| Typed or Printed Name | Robert W. Esmond | | Reg. Number | 32,893 |
| Signature | Robert W. Esmond | Date | May 27, 1998 | Deposit Acct. User ID |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

08/981087



UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231



MAY 27 1998

JCS

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

08/981,087

ELMORE

M 1581.0200000

INTERNATIONAL APPLICATION NO.

5611

PCT/GB96/01409

STERNE KESSLER GOLDSTEIN & FOX
1100 NEW YORK AVENUE NW
SUITE 600
WASHINGTON DC 20005-3934

I.A. FILING DATE

PRIORITY DATE

06/12/96 06/12/95

DATE MAILED:

03/27/98

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494), an Elected Office (37 CFR 1.495):

U.S. Basic National Fee.

Copy of the international application in:

a non-English language.

English.

Translation of the international application into English.

Oath or Declaration of Inventor(s) for DO/EO/US.

Copy of Article 19 amendments.

Translation of Article 19 amendments into English.

The International Preliminary Examination Report in English and its Annexes, if any.

Translation of Annexes to the International Preliminary Examination Report into English.

Preliminary amendment(s) filed _____ and _____

Information Disclosure Statement(s) filed _____ and _____

Assignment document.

Power of Attorney and/or Change of Address.

Substitute specification filed _____

Verified Statement Claiming Small Entity Status.

Priority Document.

Copy of the International Search Report and copies of the references cited therein.

Other: 306

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date.

The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY 21 OR 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: PCT/DO/EO/917 Notice of Defective Translation
 PTO-875

FORM PCT/DO/EO/905 (September 1996)

Telephone: (703) 308-9116

COPY